

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEEP BLUE INTEGRATION, INC.,
Plaintiff,
v.
NORTH AMERICAN SPECIALTY
INSURANCE COMPANY,
Defendant.

Case No. 20-cv-06980-NC

**PRETRIAL PREPARATION
ORDER**

A pretrial conference is scheduled for March 30, 2022. A bench trial is scheduled to begin on April 18, 2022. This order prepares for the trial.

I. MOTIONS IN LIMINE

The parties must file their motions in limine by March 16, 2022, with responses due by March 23, 2022. No party may file a reply without leave of Court. The total number of pages each party submits for all motions and all responses must not exceed 15 pages.

While it is up to each party to decide how much space to allocate for their motions and how much for their responses, the parties must each stay within the 15-page limit (e.g., a party can allocate 9 pages for their motions and 6 pages for their responses). The Court will hold a hearing on the motions in limine at the pretrial conference.

II. JOINT TRIAL READINESS BINDER

The parties are ordered to provide the Court with two copies of a Joint Trial Readiness Binder. The documents and binder are due by March 16, 2022, at 12:00 p.m. at

1 the San Jose Courthouse. The parties must also file a copy of the Joint Trial Readiness
2 Binders in ECF. The Joint Trial Readiness Binders must each contain an index and copies
3 of filed documents with an ECF header reflecting the item's docket number and filing date,
4 including:

5 **A. Proposed Order Re: Trial Stipulations**

6 The Court expects that the parties will agree to a variety of stipulations regarding
7 the conduct of the trial. A proposed order outlining all such stipulations must be presented
8 to the Court.

9 **B. Witness Lists**

10 The parties must submit an updated list of all witnesses likely to be called at trial
11 (other than solely for impeachment or rebuttal), with a brief statement following each
12 name describing the substance of the testimony to be given and a time estimate of the
13 direct and cross examinations. This information must be presented in chart format and
14 organized by party. Witnesses who will be testifying as experts should be identified as
15 such and included in a separate expert witness list (see below).

16 **C. Expert Witness Lists**

17 The parties must submit an updated list of all expert witnesses with a summary that
18 clearly describes the expert's theories and conclusions, a curriculum vitae, and expert
19 reports. Witnesses not included on the list may be excluded from testifying.

20 **D. Updated Exhibit Lists Annotated with Stipulations and Objections**

21 The parties must submit an updated list of all documents and other items to be
22 offered as exhibits at trial (other than solely for impeachment or rebuttal), with a brief
23 description of each exhibit's contents and the identity of each sponsoring witness. As
24 applicable, the exhibit list must specify whether the parties stipulate to admit the exhibit or
25 the grounds for any objections to the exhibit. The exhibit list must also include an
26 additional column so that the Court can track the date on which each exhibit is admitted.
27 Prior to submitting the list, the parties must meet and confer and attempt to stipulate as to
28 the admissibility of each exhibit. This information must be presented in chart format and

organized numerically.

E. Updated List of Discovery Excerpts

The parties must list those excerpts from depositions, interrogatory answers, or responses to requests for admission (other than those solely for impeachment or rebuttal) likely to be used at trial. Prior to submitting the list, the parties must meet and confer and attempt to resolve any disagreements regarding designations or counter-designations. The parties must: (1) identify any remaining legal objections to the excerpts on the list itself, and (2) attach copies of the disputed excerpts in a separate appendix so that the Court can review the disputed materials. The parties must provide a single proposed order with each disputed designation to enable the Court to rule on whether permission to use each excerpt is granted, granted with modification, or denied.

III. ELECTRONIC COPIES OF TRIAL DOCUMENTS

The parties must send ncpo@cand.uscourts.gov an electronic copy, in Word format, of the following documents listed above: (1) Proposed Order Re: Trial Stipulations, and (2) Proposed Order Re: Discovery Excerpts.

IV. STIPULATIONS RE: ADMISSIBILITY

The parties must make a good faith effort to stipulate to exhibits' admissibility. If stipulation is not possible, the parties must make every effort to stipulate to authenticity and foundation absent a legitimate objection.

V. EXHIBITS

Exhibits must be provided to the Court by March 16, 2022, at 12:00 p.m. at the San Jose Courthouse. The parties must provide two sets of exhibits in binders with exhibits marked, tabbed, and indexed. Exhibit binders may be delivered or mailed directly to Chambers in San Jose. The parties must coordinate with the Courtroom Deputy for other delivery.

Each exhibit in the binder must be pre-marked with an exhibit tag placed in the top right corner of the first page of a document. The exhibit tags must be a color other than white. A page of blank trial exhibit tags can be found on the Court's website. If an exhibit

1 is a physical object (rather than a document), the parties should take a picture of the object
2 and include the picture in the binder.

3 Upon the conclusion of the trial, each party must retain its exhibit through the
4 appellate process. It is each party's responsibility to make arrangements with the Clerk of
5 Court to file the record on appeal.

6 **VI. SCHEDULING OF TRIAL**

7 The parties must confirm with the Court whether they wish to proceed with a bench
8 trial by March 16, 2022. Opening statements will be on April 18, 2022. The first witness
9 will be called after opening statements.

10 **VII. SUMMARY OF CASE STATEMENT**

11 By March 16, 2022, the parties must jointly submit an agreed-upon summary of the
12 case, not to exceed one page. If the parties cannot agree on a statement, each party must
13 submit its own summary, not to exceed one page.

14 **VIII. TRIAL LIMITS**

15 The Court anticipates giving each side a total of 10 hours to present its case. This
16 includes all aspects of trial (e.g., objections, examinations).

17 **IX. MISCELLANEOUS**

18 **A. Trial Transcripts**

19 If a party wishes to order a trial transcript, the order must be placed by March 16,
20 2022. Instructions on how to file a transcript order using Form CAND-435 are available
21 at: www.cand.uscourts.gov/transcripts.

22 **B. Electronic Equipment**

23 If a party wishes to use electronic equipment or other large items, the party must file
24 a request and proposed order with the Court by March 16, 2022. Equipment not provided
25 by the Court must be tested in the courtroom prior to trial. Arrangements may be made
26 with the Courtroom Deputy, Lili Harrell, at (408) 535-5343.

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C. Proposed Findings of Fact and Conclusions of Law

The parties' proposed findings of fact and conclusions of law are due fourteen days after the close of evidence.

IT IS SO ORDERED.

Dated: July 12, 2021



NATHANAEL M. COUSINS
United States Magistrate Judge